

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JAMES MURPHY, on behalf of himself and all other  
persons similarly situated,

Civil Action No.: 23-CV-06158

Plaintiff,

-v-

**STIPULATION OF DISMISSAL**  
**WITH PREJUDICE**

CAPITOL TECHNOLOGY UNIVERSITY  
CORPORATION A/K/A CAPITOL TECHNOLOGY  
UNIVERSITY,

Defendant.  
-----X

**IT IS HEREBY STIPULATED AND AGREED**, by and between the parties in the above-captioned action, through the undersigned counsel, that, whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, in accordance with Rule 41 of the Federal Rules of Civil Procedure, the action be dismissed with prejudice, with each party to bear its own fees and costs.

**IT IS FURTHER STIPULATED AND AGREED**, Defendant is committed to improving the accessibility of its Website: [www.captechu.edu](http://www.captechu.edu). Defendant shall bring the Website into substantial conformance with the DOJ's Guidance on Web Accessibility and the ADA, issued on March 18, 2022 (the "DOJ's Guidance"), by November 1, 2024.

**IT IS FURTHER STIPULATED AND AGREED**, that, notwithstanding anything contained herein, the Website shall be permitted to link to web content owned or operated by others containing Third-Party Content (as defined below) that may not be accessible to individuals with disabilities. The term "Third-Party Content" refers to web content that is not

developed, owned, or operated by Defendant. The Parties agree Defendant is not responsible for the accessibility of such Third-Party Content.


**IT IS FURTHER STIPULATED AND AGREED**, that notwithstanding anything contained herein, if the ADA is amended, if the Supreme Court or any U.S. Circuit Court of Appeals recognizes a standard for website accessibility, or if the DOJ promulgates a final ADA Title III regulation setting out a website accessibility standard during the term of this Agreement, Defendant will commence reasonable and necessary efforts to bring the Website into substantial conformance with such standards within the time frames set forth in the law, guidelines, or regulations.

**IT IS FURTHER STIPULATED AND AGREED** that this Stipulation may be executed in counterparts and facsimile signatures shall be deemed originals for the purpose of filing.

Dated: Woodbury, New York

November 27, 2023

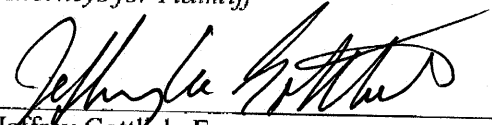
KAUFMAN DOLOWICH, LLP  
*Attorneys for Defendant*

  
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Jennifer E. Sherven, Esq.  
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(516) 681-1100

Dated: New York, New York

Nov 27, 2023

GOTTLIEB & ASSOCIATES  
*Attorneys for Plaintiff*

  
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Jeffrey Gottlieb, Esq.  
150 East 18<sup>th</sup> Street, Suite PHR  
New York, New York 10003  
T: (212) 228-9795

**SO ORDERED:**